CWP No.832 of 2003

1.8.2007. Present: Mr.Dinesh Bhatt, counsel for the petitioner.
Mr.Ravinder Thakur, Central Govt. Counsel for the respondents.

Mr.Dinesh Bhatt, learned counsel for the petitioner, submits that he does not want to file rejoinder.

This petition is directed against the order of the learned Central Administrative Tribunal dated 17.2.2003. Briefly stated the facts of the case are that the petitioner applied for the post of Engineering Assistant in Prasar Bharti. Admittedly, the respondents had issued an advertisement inviting applications for 208 vacancies of Engineering Assistants. The petitioner had also appeared in the written examination. However, the result was declared only in respect of 148 candidates. The grievance of the petitioner is that the result of 208 candidates should have been declared and even if 148 seats were to be filled in, the remaining 60 candidates should have been kept in the reserve list.

The learned Tribunal has noted that due to order dated 11.2.2000 passed by the learned Principal Bench of the Central Administrative Tribunal in O.A. No.509 of 1999, the number of vacancies was reduced from 208 to 148 since the Principal Bench had directed that 60 seats be filled in on the basis of the earlier selection made in the year 1994. Therefore, there were only 148 seats which were to be filled in. Reliance placed by the petitioner on the instructions of the Government (Annexure A-6) is misplaced. These instructions do not show that in every selection reserve list should invariably be prepared. It is for the Department to decide whether the reserve list is to be prepared or not. It is only if there are anticipated vacancies that the

reserve list is to be prepared. The learned Tribunal has considered the matter in all respects and has come to the conclusion that the petitioner has no right to claim that result of 208 candidates be declared. We are in agreement with the reasoning of the learned Tribunal. There is no merit in the petition which is accordingly dismissed. No costs.

(Deepak Gupta), J.

August 1, 2007 **(V.K. Ahuja), J.**
(trs)